

DECISION ON APPLICANT REQUEST FOR RECONSIDERATION

Under section 60851 of title 2 of the California Code of Regulations, if the Bureau of State Audits or the Applicant Review Panel decides to exclude or remove an applicant from the pool of applicants being considered for selection to the Citizens Redistricting Commission, the applicant may, no later than 10 days after the date of the notification of exclusion or removal, request reconsideration of the decision if the decision was the result of an error relating to:

- Having a conflict of interest;
- Failing to satisfy the eligibility requirements for serving on the commission; or
- Failing to comply with the procedural requirements of the application process.

Name of the Applicant/Requestor: Henry Charles Cunningham.

Date of the notice of exclusion or removal: April 14, 2010.

Date the request for reconsideration was received: April 15, 2010.

Description of the alleged error that caused the exclusion or removal: Applicant incorrectly stated in Part 3 of the supplemental application that his wife and daughter, with whom he has a bona fide relationship, engaged in an activity within the past ten years that causes Applicant to have a conflict of interest that makes him ineligible to serve as a member of the Citizens Redistricting Commission...

Request for reconsideration is: Granted.

Reason for granting or denying the request: When answering "yes" to the question on the application that asks whether, within the past ten years, his wife has engaged in any of the activities that would cause Applicant to have a conflict of interest under the Voters FIRST Act, he went on to describe the activity on the application as his wife sharing ownership of property with him. Similarly, when answering "yes" to the question on the application that asks whether, within the past ten years, his daughter has engaged in any of the activities that would cause Applicant to have a conflict of interest under the Act, he went on to describe the activity on the application as his daughter living with him until she graduated from high school and his payment of her college expenses afterward. However, his sharing ownership of property with his wife and his daughter living with him and his paying her college expenses do not constitute conflicts of interest under the Act. In his request for reconsideration, Applicant affirmed that he made a mistake in answering "yes" to the questions about his wife and daughter's activities, as he confused the questions about bona fide relationship with the questions about activities constituting a conflict of interest. Applicant further affirmed, with regard to his wife and daughter's activities, that the answer he should have provided is "no," as they have not, within the past ten years, engaged in any of the activities that would cause Applicant to have a conflict of interest under the Act. It therefore appears that Applicant should not be excluded from the applicant pool..

Applicant's current status: Included in the supplemental applicant pool..

Name and title of person making decision: Steven Benito Russo, Senior Staff Counsel.

Date of decision: April 18, 2010.